

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

TONY ROSENDARY, )  
                        )  
Plaintiff,           )  
                        )  
v.                    ) Civil Action No. 8:12-cv-3240-SB-JDA  
                        )  
CAROLYN W. COLVIN, )  
Acting Commissioner of Social Security, )  
                        )  
Defendant.           )

**ORDER**

Upon consideration of Defendant's Motion for Entry of Judgment with Order of Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g), the Court hereby **REVERSES** the Commissioner's final decision in this matter and **REMANDS** the cause to the Defendant for further administrative proceedings as set forth below. *See Shalala v. Schaefer*, 509 U.S. 292 (1993).<sup>1</sup>

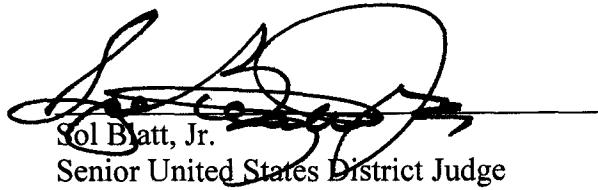
Upon remand by the Court, the Appeals Council will remand the case to an Administrative Law Judge ("ALJ"). The Appeals Council will instruct the ALJ to further evaluate whether the claimant has a severe mental impairment and, if so, whether a mental impairment meets or equals a listed impairment. The ALJ should also further evaluate the Plaintiff's residual functional capacity and ability to perform other work for a period prior to January 13, 2011.

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<sup>1</sup>The Clerk of the Court will enter a separate judgment pursuant to Fed. R. Civ. P. 58.

**AND IT IS SO ORDERED.**

DATED this 25<sup>th</sup> day of October, 2013.



Sol Blatt, Jr.  
Senior United States District Judge

Charleston, South Carolina.

